

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7597

BILL NUMBER: SB 395

DATE PREPARED: Mar 21, 2001

BILL AMENDED: Mar 21, 2001

SUBJECT: Nomination of Candidates in Small Towns.

FISCAL ANALYST: Chris Baker

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that the legislative body of a small town may adopt an ordinance to provide for the nomination of candidates for town offices in a primary election instead of a town convention. The bill provides that an individual may not vote at more than one convention held in the town during the same election year. It makes a violation of this restriction a Class A misdemeanor.

The bill also provides a standard for determining the political party affiliation of a candidate who files a declaration of candidacy for a primary election or of an appointee to a board of a political subdivision. This bill also provides that political affiliation is determined by either: (1) the political party in whose primary election was the most recent that the candidate or appointee voted; or (2) the political party of the county chairman who certifies that the candidate or appointee is a member of that political party.

It provides that a County Election Board may adopt a resolution to authorize the Circuit Court Clerk to establish satellite offices in the county where voters may cast absentee ballots before an Absentee Voter Board. The bill also requires the County Election Board to adopt such a resolution by unanimous consent of the entire membership of the Board.

Effective Date: July 1, 2001.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) This bill provides for a Class A misdemeanor if an individual violates the provision that restricts voting to one convention in the town during the same election year. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state

General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: (Revised) *Satellite absentee ballot offices.* As amended, the bill allows the County Election Board the option to adopt a resolution to authorize the Circuit Court Clerk to establish satellite offices in the County for voters to cast absentee ballots. A unanimous vote of the Board's entire membership is required, including the statement of the locations of the satellite offices and the hours at which absentee balloting may occur at the satellite offices. The county would incur additional expenditures for renting of a satellite facility. Facility rental expenditures could be offset if a satellite office were set up in a school or church. The County would also experience expenditures associated with each new election board per satellite facility to process absentee ballots.

Any impact that could occur from this provision is dependent upon county action.

Penalty Provision: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Linda Grass, Hancock County Clerk, (317) 462-1109.